

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KARISSA A. JOHNSON,

Plaintiff,

Case Number 07-14289-BC
Honorable Thomas L. Ludington

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

**ORDER ADOPTING REPORT AND RECOMMENDATION, REMANDING
FOR FURTHER PROCEEDINGS, GRANTING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT, AND DENYING DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on November 12, 2008. The magistrate judge recommends granting Plaintiff's motion for summary judgment and denying Defendant's motion for summary judgment. The magistrate judge further recommends remanding the case for further proceedings. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the reasoning and conclusion of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt # 28] is **ADOPTED**. The findings of the Commissioner are **REVERSED** and the matter is

REMANDED to the Commissioner for further proceedings consistent with the magistrate judge's report and recommendation.

It is further **ORDERED** that Plaintiff's motion for summary judgment [Dkt. # 22] is **GRANTED**, and that Defendant's motion for summary judgment [Dkt. # 26] is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: December 23, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 23, 2008.

s/Tracy A. Jacobs
TRACY A. JACOBS